



Re-employment After **RETIREMENT**





NOTE: When you retire you must CEASE ALL EMPLOYMENT WITH ALL AGENCIES that participate in one of the systems administered by Kentucky Retirement Systems.

Returning to work in a regular full-time position that would otherwise be required to participate in the Systems

Bona Fide Separation From Service:

Kentucky law prohibits a retiree from having a prearranged agreement prior to termination to return to employment in a *regular full-time position* with **any agency participating in any of the systems administered by Kentucky Retirement Systems**. Prior to re-employment, the participating agency and retiree must certify, under penalty of perjury, on Form 6751, "Member and Employer Certification Regarding Re-employment" that no prearranged agreement existed at the time of the member's retirement.

Duration of Separation From Service:

- An employee retiring from a **hazardous** position and returning to a **regular full-time hazardous** position as defined by statutes KRS 61.510 (21) and KRS 78.510 (21), that would otherwise be required to participate in the Systems must observe a one (1) calendar month break in service from the employee's effective retirement date before returning to work with a participating agency.
- An employee retiring from a **non-hazardous** position and returning to a **regular full-time hazardous** position that would otherwise be required to participate in the Systems must observe a three (3) calendar month break in service from the employee's effective retirement date before returning to work with a participating agency.
- An employee retiring from a **hazardous or non-hazardous** position but returning to work in a **regular full-time non-hazardous** position that would otherwise be required to participate in the Systems must observe a three (3) calendar month break in service before returning to work with a participating agency.
- If the employee does not observe the proper break, retirement is voided and all benefits must be repaid to KRS. The employee will contribute to the appropriate retirement system.



Returning to work in a non-participating position (seasonal, part-time, temporary or interim)

Bona Fide Separation From Service:

Federal law provides that a retiree cannot have a prearranged agreement prior to termination to return to employment in a *non-participating position* with the **same employer**. However, if returning to employment in a *non-participating position* for a **different employer**, you may have a prearranged agreement.

For purposes of implementing KRS 61.637, all employers participating in the Kentucky Employees Retirement System or State Police Retirement System are considered the same employer. A retiree from the County Employees Retirement System, who after initial retirement is hired by the county from which the member retired, shall be considered to have been hired by the same employer. Prior to re-employment, the participating agency and retiree must certify, under penalty of perjury, on Form 6751, "Member and Employer Certification Regarding Re-employment," whether a pre-arranged agreement existed at the time of the member's retirement.

Duration of Separation From Service:

- An employee retiring from a **hazardous or non-hazardous** position and returning to a **non-participating hazardous or non-hazardous** position must observe a three (3) calendar month break in service from the employee's effective retirement date before returning to work with a participating agency.
- If the employee does not observe the proper break, retirement is voided and all benefits must be repaid to KRS.

If you intend to perform services for a participating employer as:

- an independent contractor,
- an employee of a private leasing company,
- an employee of a temporary staffing agency, or
- a volunteer

Please contact KRS **before** returning to employment, as these situations will be evaluated by KRS on a case-by-case basis to determine whether the statute regarding re-employment after retirement is applicable to your unique situation. You will need to provide specific details of your situation in writing for review.



Employment after Retirement on or after September 1, 2008:

Retirees re-employing for the first time on or after September 1, 2008, with an agency that is or has participated in the Kentucky Retirement Systems, will not make contributions to KRS. The retiree will earn no service credit during the period of re-employment and will not be eligible for any additional retirement benefits based upon the re-employment.



- **Form 6751 is required** for all employees, *regardless of age.*
- There is not an exemption for those retirees who have attained normal retirement age.
- KRS does not consider whether or not the retiree is returning to a position with the same principal duties.

STATE LAW REQUIRES THAT THE RETIREE AND EMPLOYER NOTIFY THE SYSTEMS IF THE RETIREE IS GOING TO ACCEPT EMPLOYMENT WITH, OR VOLUNTEER FOR, AN AGENCY PARTICIPATING IN THE KENTUCKY RETIREMENT SYSTEMS, INCLUDING WORKING IN A NON-PARTICIPATING POSITION, THROUGH A THIRD PARTY AT A PARTICIPATING AGENCY, OR AS AN INDEPENDENT CONTRACTOR.

These situations will be evaluated by KRS on a case-by-case basis.

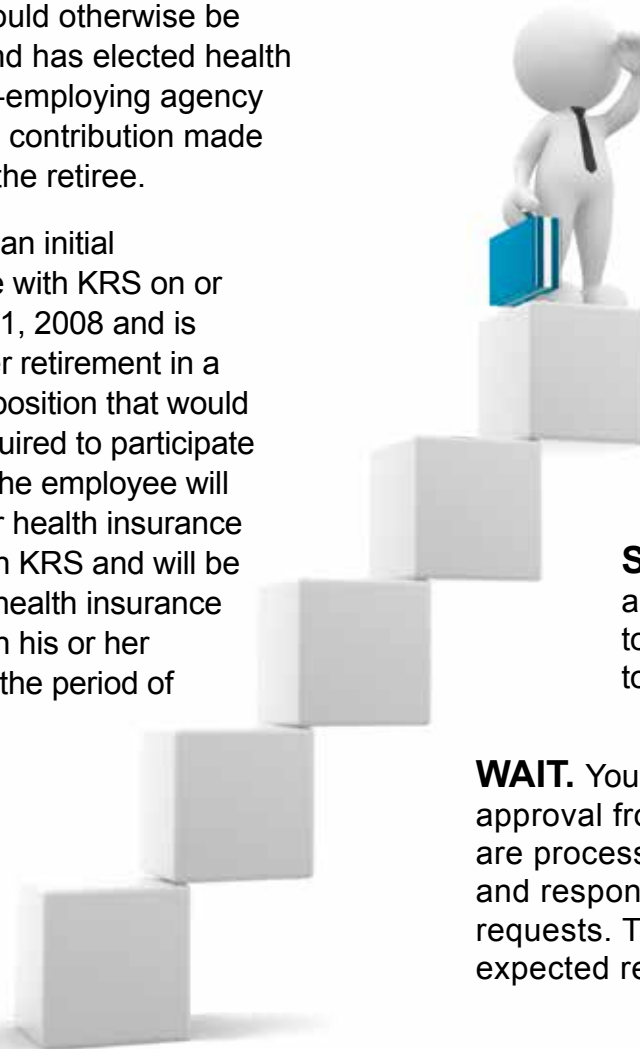
HEALTH INSURANCE

Steps to Take BEFORE YOU RE-EMPLOY with a Participating Employer

If the retiree has an initial participation date with KRS prior to September 1, 2008, but is re-employed on or after that date in a regular full-time position that would otherwise be required to participate in the Systems, and has elected health insurance coverage through KRS, the re-employing agency will be required to reimburse KRS for the contribution made for single coverage health insurance for the retiree.



If the retiree has an initial participation date with KRS on or after September 1, 2008 and is re-employed after retirement in a regular full-time position that would otherwise be required to participate in the Systems, the employee will not be eligible for health insurance coverage through KRS and will be required to take health insurance coverage through his or her employer during the period of re-employment.



OBTAIN Form 6751, “Member and Employer Certification Regarding Re-employment” by contacting the Kentucky Retirement Systems, downloading a copy from the KRS website, or contacting your prospective employer.

COMPLETE the employee section and ask your prospective employer to complete the employer section.

SUBMIT the completed **Form 6751** along with a letter outlining the details of your re-employment to Kentucky Retirement Systems before returning to work.

WAIT. You should not return to work until you have received approval from Kentucky Retirement Systems. Requests are processed in the order in which they are received and response time may vary depending on the volume of requests. Thus you should allow sufficient time before your expected re-employment date to receive a response.



Monday - Friday
8:00am - 4:30pm
1-502-696-8800
or 1-800-928-4646

Perimeter Park West
1260 Louisville Road
Frankfort, KY 40601

krs.mail@kyret.ky.gov
General Questions only
(unsecure)



OUR WEBSITE

<https://kyret.ky.gov>

- Member Forms and directions
- News & Updates
- Publications (Recent and Archive)
- Contact Us

SELF SERVICE

MyRetirement.ky.gov

- Update your personal information
- Calculate your benefits
- Get your retirement information

MEMBER EDUCATION

youtube.com/user/KentuckyRetire

- Video Library - How-to Videos
 - How to Retire
 - How to fill out Form 6000
 - How to Calculate Your Benefit
 - ...and more!
- Webinars
 - (interact and ask questions)



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LEGAL NOTICE: This memorandum is intended merely for informational purposes only and is not intended as a substitute for applicable federal or state law, nor will its interpretation prevail should a conflict arise between its contents and applicable federal or state law. Before making decisions about returning to employment after retirement, the member should consult with a qualified tax professional.